

Information About Form DS-5540, Public Charge Questionnaire

What is the Purpose of Form DS-5540, Public Charge Questionnaire?

The DS-5540, Public Charge Questionnaire, will be completed by immigration visa applicants who are subject to the grounds of public charge ineligibility at section 212(a)(4) of the Immigration and Nationality Act. With limited exceptions, this includes most immigrant visa applicants, including those applying as immediate relatives, in family-based preference categories, in employment-based preference categories, including most special immigrant visa categories, and diversity visa applicants. Some common immigrant visa applicants who are not subject to public charge include a self-petitioner under the Violence Against Women Act and Afghan and Iraqi interpreters applying for special immigrant visas. The full list of categories of aliens exempt from the public charge ground of inadmissibility (and visa ineligibility) is listed in the DHS regulation 8 CFR 212.23(a).

A consular officer may request that nonimmigrant visa applicants complete the DS-5540 if the officer determines the information collected on the form is necessary to evaluate the applicant's eligibility for a visa. The DS-5540 solicits information that helps the consular officer determine that applicants subject to the public charge visa ineligibility ground (section 212(a)(4) of the Immigration and Nationality Act) will not rely on certain specific public resources to meet their needs.

How is Form DS-5540 Used?

The Department will use the information provided on the DS-5540 to assess, based on the totality of an applicant's circumstances, whether it is more likely than not that the applicant will become a public charge at any time in the future, after the alien's admission to the United States. Such a determination would make the applicant ineligible for a visa under section 212(a)(4) of the Immigration and Nationality Act.

Who Needs to Submit a DS-5540?

Only one form is required for a family that applies for their visas on the same petition, so long as they are interviewing as a family unit. For a family applying together, only the principal visa applicant needs to complete the form. The following immigrant visa applicants may be required to submit the DS-5540:

1. All immediate relative immigrant visa applicants, except for children (IR2, IR3, IR4, IH3, and IH4). However, stepchildren in the IR2 category will still be required to complete the form.
2. The principal applicant for all family-based preference immigrant visas and any follow-to-join derivatives who do not accompany the principal applicant (F1, F2A, F2B, F3, F4).
3. The principal applicant for all employment-based preference immigrant visa applicants, including most special immigrant visa applicants and any follow-to-join derivative family members.
4. The principal applicant for all diversity visa applicants.
5. Any nonimmigrant visa applicant if instructed to do so by a consular officer.

For applicants under the age of 14 years old, a parent, legal guardian, or other party with "legitimate interest in the applicant" may complete and sign the DS-5540 on behalf of the applicant.

Who Is Exempt From Submitting the DS-5540?

The DHS regulation 8 CFR 212.23 has the full list of categories of aliens exempt from the public charge inadmissibility ground.

Direct Link to [Form DS-5540](#)

The Department of State provides this form free of charge through the travel.state.gov website. In order to view, print, or fill out our forms, the latest version of Adobe Reader is required, which can be downloaded for free at <http://get.adobe.com/reader/>.

Signature. The DS-5540 must be properly signed and submitted to the consular post at the time of interview. The Department of State will not accept a stamped or typewritten name in place of a signature.

Filing Fee. There is no filing fee to file the DS-5540 with the Department of State.